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9 **BEFORE THE**  
**RESPIRATORY CARE BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 1H 2007 227

13 VADIM GROSMAN  
1339 N. Sycamore Avenue # 202  
14 Los Angeles, California 90028

**STATEMENT OF ISSUES**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Executive Officer of the Respiratory Care Board of California,  
21 Department of Consumer Affairs (Board).

22 2. On or about April 9, 2007, the Board received an application for a  
23 Respiratory Care Practitioner License from Vadim Grosman (Respondent). On or about April 4,  
24 2007, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,  
25 and representations in the application. The Board denied the application on August 3, 2007.

26 JURISDICTION

27 3. This Statement of Issues is brought before the Board under the authority of  
28 the following laws. All section references are to the Business and Professions Code (Code),

1 unless otherwise indicated.

2           4.       Section 3710 of the Code states: “The Respiratory Care Board of  
3 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter  
4 8.3, the Respiratory Care Practice Act].”

5           5.       Section 3718 of the Code states: “The board shall issue, deny, suspend,  
6 and revoke licenses to practice respiratory care as provided in this chapter.”

7           6.       Section 3732, subdivision (b) of the Code states:  
8           “The board may deny an application, or may order the issuance of a license  
9 with terms and conditions, for any of the causes specified in this chapter for  
10 suspension or revocation of a license, including, but not limited to, those causes  
11 specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761.”

12          7.       Section 3750 of the Code states:  
13          “The board may order the denial, suspension or revocation of, or the  
14 imposition of probationary conditions upon, a license issued under this chapter, for  
15 any of the following causes:

16          “ . . .

17          “(g) Conviction of a violation of any of the provisions of this chapter or of  
18 any provision of Division 2 (commencing with Section 500), or violating, or  
19 attempting to violate, directly or indirectly, or assisting in or abetting the violation  
20 of, or conspiring to violate any provision or term of this chapter or of any provision  
21 of Division 2 (commencing with Section 500). . . .”

22          8.       Section 3750.5 of the Code states:

23          “In addition to any other grounds specified in this chapter, the board may  
24 deny, suspend, or revoke the license of any applicant or license holder who has  
25 done any of the following:

26          “(a) Obtained or possessed in violation of law, or except as directed by a  
27 licensed physician and surgeon, dentist, or podiatrist administered to himself or  
28 herself, or furnished or administered to another, any controlled substances as

1 defined in Division 10 (commencing with Section 11000) of the Health and Safety  
2 Code. . . .”

3 9. Section 492 of the Code states:

4 “Notwithstanding any other provision of law, successful completion of any  
5 diversion program under the Penal Code, or successful completion of an alcohol  
6 and drug problem assessment program under Article 5 (commencing with section  
7 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
8 agency established under Division 2 ([Healing Arts] commencing with Section  
9 500) of this code, or any initiative act referred to in that division, from taking  
10 disciplinary action against a licensee or from denying a license for professional  
11 misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
12 record pertaining to an arrest.”

#### 13 COST RECOVERY

14 10. Section 3753.5, subdivision (a) of the Code states:

15 "In any order issued in resolution of a disciplinary proceeding before the  
16 board, the board or the administrative law judge may direct any practitioner or  
17 applicant found to have committed a violation or violations of law to pay to the  
18 board a sum not to exceed the costs of the investigation and prosecution of the  
19 case."

20 11. Section 3753.7 of the Code states:

21 "For purposes of the Respiratory Care Practice Act, costs of prosecution  
22 shall include attorney general or other prosecuting attorney fees, expert witness  
23 fees, and other administrative, filing, and service fees."

24 12. Section 3753.1, subdivision (a) of the Code states:

25 "An administrative disciplinary decision imposing terms of probation may  
26 include, among other things, a requirement that the licensee-probationer pay the  
27 monetary costs associated with monitoring the probation."  
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FIRST CAUSE FOR DENIAL OF APPLICATION

(Possession of a Controlled Substance)

14. Respondent's application is subject to denial under Code sections 3750, subdivision (g) and 3750.5, subdivision (a), in conjunction with section 3732, subdivision (b), in that he possessed the controlled substance methamphetamine. The circumstances are as follows:

(Possession of a Controlled Substance)

14. Respondent's application is subject to denial under Code sections 3750, subdivision (g) and 3750.5, subdivision (a), in conjunction with section 3732, subdivision (b), in that he possessed the controlled substance methamphetamine. The circumstances are as follows:

B. On or about September 4, 2003, in Los Angeles County Superior Court Complaint No. 3BH01254, Respondent was charged with possession of a controlled substance, methamphetamine, in violation of Health and Safety Code section 11377, subdivision (a), a misdemeanor.

C. On or about October 8, 2003, Respondent pled guilty to possession of a controlled substance, methamphetamine. Imposition of sentence was suspended, and the court placed Respondent on deferred entry of judgment for two years pursuant to Penal Code section 1000. The court imposed the following terms

1 and conditions, among others: pay a diversion fee of \$100.00, pay an  
2 administrative fee of \$100.00, not use or possess any narcotics, dangerous or  
3 restricted drugs or paraphernalia, and complete a drug counseling program.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
6 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

7 1. Denying the application of Vadim Grosman for a Respiratory Care  
8 Practitioner License;

9 2. Directing Vadim Grosman to pay the Respiratory Care Board the costs of  
10 the investigation and enforcement of this case, and if placed on probation, the costs of probation  
11 monitoring; and

12 3. Taking such other and further action as deemed necessary and proper.  
13

14 DATED: April 2, 2008  
15

16 Original signed by Liane Zimmerman for:  
17 STEPHANIE NUNEZ  
18 Executive Officer  
19 Respiratory Care Board of California  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant  
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